

#3340

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**AN ORDINANCE TO AMEND CHAPTER 35 OF THE CITY CODE  
REGARDING CATEGORIES OF GOALS FOR DISADVANTAGED  
BUSINESS ENTERPRISES.**

**WHEREAS**, the City Council has enacted the provisions of Chapter 35 of the City Code setting forth the requirements for the categories of goals regarding disadvantaged business enterprises ("DBE's"); and

**WHEREAS**, the City Council deems it necessary and proper to include contract extensions within the framework of contracts that are subject to the good faith efforts in bidding and related provisions within the DBE program.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Chapter 35 of the Wilmington City Code is hereby amended by amending Section 35-134 by adding thereto the underlined language to read as follows:

**Sec. 35-134.** Categories of Goals.

In developing the program to expand opportunities for disadvantaged individuals and businesses, the city, in its construction contracts and in its purchasing contracts, as well as the renewal or extension of those contracts, which shall be subject to review by the DBE Office prior to the commencement of the extension, except to the extent that the director of the procurement and records division of the department of finance determines otherwise, such as for utilities, telephone, etc., shall endeavor to achieve, and shall require evidence of good faith efforts by bidders and contractors towards, the goals of contracting with disadvantaged individuals or disadvantaged businesses for percentages of the total dollar amount of each category of such contracts during each fiscal year which shall be reviewed annually and be set for the ensuing fiscal year by the contract review board for the following categories:

- (1) A percentage goal for all construction contracts;
- (2) A percentage goal for all contracts involving professional services; and
- (3) A percentage goal for all contracts involving goods and nonprofessional services, materials, supplies and equipment.

**SECTION 3. Effective Date:** This Ordinance shall become effective immediately.

First Reading.....April 1, 2010

Second Reading....April 1, 2010

Third Reading...May 6, 2010

Passed by City Council, May 6, 2010

Norman D. Griffiths  
President of City Council 5/6/10

Attest: Traci Owens  
Acting Deputy City Clerk

Approved as to form this 30<sup>th</sup>  
day of March, 2010.

John R. Wheeler  
City Solicitor

Approved this 15<sup>th</sup> day of

May, 2010

James M. Baker  
Mayor

**Synopsis:** This Ordinance amends Chapter 35 of the City Code to mandate that contract extensions are also to comply with all provisions set forth in this Chapter.